IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 22297 OF 2007

Dated : November 12, 2007

Between:

The State of Andhra Pradesh,
Rep. By its Secretary to Government
Education (HI) Department,
A.P. Secretariat, Hyderabad and others

Petitioners

AND

Jaffar Shariff and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 22297 OF 2007

ORAL ORDER:**(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

This writ petition is filed seeking a writ of certiorari calling for the records relating to the order dated 31.08.2006 made in O.A. No.8570 of 2001 by the A.P. Administrative Tribunal, Hyderabad, and to quash the same as illegal and arbitrary.

The respondents 1 and 2 herein filed the above O.A. assailing the proceedings in Rc. No. 4013/C2-1/99 dated 17.6.2001 issued by the 2nd petitioner herein rejecting their claim and consequently to direct the petitioners herein to implement the proceedings of the District Treasury Officer, Mahaboobnagar in letter dated 23.7.1999 and District Educational Officer, Mahaboobnagar in proceedings dated 5.8.1999, issued consequent upon the order passed by the Tribunal in OA No.2300 of 1997 dated 13.10.1997. Before the Tribunal, it was the case of the respondents that the respondent No.1 is a retired Urdu Pandit and the second respondent is a retired Junior Lecturer. They were, at the time of filing of the application before the Tribunal, aged 78 and 65 years, in the year 2001.

The first respondent was appointed on 3.1.1949 and in 1963 he acquired BOL in Urdu and the 2nd respondent was appointed on 1.8.1953had passed Hindi Vidwan in 1964. They were promoted to as Grade – I Pandits in 1966 and 1964 respectively. It is their

case that even though they were fully qualified for the benefits under the GO Ms. No. 2069 Education Dated 9.10.1967, GO Ms. No. 1818 Education dated 4.12.1971 and GO Ms. No. 51 dated 28.1.1995 for the scale of pay 130-25-150-300-320-5380 from the date of acquiring the qualification for Grade I Pandits, they were not granted the same, hence, they filed OA No. 2300 of 1997 before the Tribunal, which was allowed along with a batch by a common judgment dated 13.10.1997. Consequent thereto, the third respondent issued proceedings sending proposals for awarding the said benefits, to the District Treasury Officer, Mahaboobnagar, who scrutinized the same and returned to the 3rd respondent to be forwarded to the 2nd petitioner. The 3rd petitioner implemented the orders allowing Grade I Pandit scale to the respondents 1 and 2 and forwarded the same to the 2nd respondent. But the 2nd respondent rejected the claim on the ground of pendency of certain matters before the Supreme Court of India, by the impugned proceedings dated 17.6.2001.

The petitioners herein contested the OA. Though no counter was filed before the Tribunal, it was their case that the respondents 1 and 2 are not entitled to the benefits they claimed, inasmuch as a case pertaining to them is pending before the Hon'ble Supreme Court.

The Tribunal, having heard the learned counsel for the parties and on scrutiny of the material available on record, allowed the O.A., which is impugned in this writ petition.

Aggrieved thereby, the present Writ Petition is filed.

At the outset, the writ petition deserves dismissal on the sole ground of inordinate delay in filing, which remained unexplained. The impugned order was passed by the Tribunal as long back as on 31.08.2006 and the present writ petition is filed assailing the same on 8.10.2007 i.e. more than after one year. On this score, the writ petition is liable to be dismissed.

Even otherwise, the impugned order makes it evident that except asserting about the pendency of a case, particulars of which are furnished, pertaining to the respondents 1 and 2 herein before the Hon'ble Supreme Court, nothing is brought on record. No other reason is assigned as to why the respondents 1 and 2 are not entitled to the benefits under the G.Os.

Having heard the learned Government Pleader appearing for the petitioners and having perused the impugned order and on scrutiny of the records, we are of the considered view that the Tribunal is perfectly justified in allowing the O.A. Nothing is made out to

suggest that the Tribunal went wrong. Therefore, having regard to the facts and circumstances, we find no illegality or irregularity in the order passed by the Tribunal warranting interference. Consequently, the writ petition is dismissed, being devoid of merits. No order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

November 12, 2007
MAS